5-00 P.M.

Mr. SPEAKER.—The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clauss 3 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. V. KRISHNAPPA.—I beg to move:

"That the Mysore Tenants (Temporary Protection from Eviction) (Amendment) Bill, 1964, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Tenants Temporary Protection from Eviction) (Amendment) Bill, 1964, be passed."

The motion was adopted.

MYSORE TENANCY LAWS (AMENDMENT) BILL, 1964.

Motion to consider.

Sri M. V. KRISHNAPPA.—I beg to move:

"That the Mysore Tenancy Laws (Amendment) Bill, 1964, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Tenancy Laws (Amendment) Bill, 1964, be taken into consideration."

† ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ಇದರ ವಿಷಯದಲ್ಲಿ ಏನೂ ಹೆಚ್ಚಿಗೆ ಹೇಳಬೇಕಾಗಿಲ್ಲ. ಈ ವಿಷಯ ಈಗಾಗಲೇ ಪಾಸಾಗಿರತಕ್ಕ ಈ ಒಂದು ಆಕ್ಟಿನಲ್ಲಿ ಏನು ಒಂದು ರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂದಿತ್ತೋ ಆ ರಕ್ಷಣೆಯನ್ನು ಭೂಸುಧಾರಣೆ ಶಾಸನವು ಜಾರಿಗೆ ಬರುವಕನಕ ಮುಂದುವರಿಸಬೇಕು ಎಂಬುದು ಇವರ ಮುಖ್ಯೋದ್ದೇಶ. ಆದ್ದರಿಂದ ಇದನ್ನು ಎಲ್ಲರೂ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†Sri G. V. GOWDA.—Sir, in the normal course this should have been taken up first. Unless tenancy laws are continued there is no

question of affording protection to the existing tenants. I have heard with rapt attention the reply given by the Minister in respect of the arguments advanced by several members with regard to the other Bill just now passed. The Minister says that there was just and sufficient reason for the postponement of the implementation of the Land Reforms Act. I would only ask whether the Government have lost sight of the primary objective with which the Land Reforms Act was adopted by this House. According to me, the object may the elimination of intermediaries, putting and end to the relationship of landlord and tenant and ultimately making the tiller of the soil the absolute owner. The point is whether is this object could be achieved by implementing the Land Reforms Act after the adoption of the 17th Amendment to the Constitution. The Minister himself said that no surplus land was available. Unless there is surplus land there is no question of making any cultivating tenant the absolute owner because nobody would be possessing more than the ceiling limit. Such being the case, I ask whether it was not possible for the Government to bring an amendment to the Land Reforms Act stipulating a period subsequent to which any alienation made would be declared null and void. Since that has not been done, the very purpose for which Land Reforms Act has been passed is defeated. The question to be considered is whether it would not have been possible for the Government to bring in a comprehensive legislation to provide for security of tenure, for fixation of fair, rent, etc. That could have been easily done, but instead of that the existing tenancy laws are being extended year after year and the main object of the Land Reforms Act is lost sight of. Now that the 17th Amendment is before a Select Committee of the Lok Sabha it can be safely assumed that it is going to be adopted and accordingly the Government could have brought this provision of the Land Reforms Act into force. In view of the fact that Parliament is seized of the matter, I do not think anybody would have gone to court challenging the implementation of this Act. After the passing of the 17th Amendment whatever lacuna is there, it could be regularised

MR. SPEAKER.—Why should the member suggest that nobody would go to court? In view of the Supreme Courts decision being in their favour, they would naturally rush to the court.

SRI G. V. GOWDA.—But the fact that Parliament is seized of the 17th Amendment and it is going to be adopted would have acted as a deterrent. Moreover, the Minister himself has said that this contingency would arise only if there is surplus land available which could be distributed to cultivating tenants. Even otherwise there is the question of security of tenure. So this problem would have arisen only if Government had taken surplus lands and distributed them to cultivating tenants and made them absolute owners thereof. When the Land Reforms Act was passed we were told that about 2 lakhs acres of lands were available for being distributed as surplus lands. But now as the Minister himself has said, where is the land available for distribution? What is the purpose for which the Land Reforms Act was passed? Why

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should this Bill not have been a comprehensive legislation for giving security of tenure and for fixation of fair rent? It is also said that some suggestions have been made by the Planning Commission and the Government of India about the Land Reforms Act and so the Government should have brought an amendment to the Act to achieve that object, but that has not been done. Why should we wait till the adoption of the 17th Amendment by Parliament? The Government should have brought in an amendment to the Land Reforms Act providing for the security of tenure and fixation of fair rent and stipulating a period after which any alienation made would be declared null and void. Instead of doing that, there is no use continuing the existing tenancy laws year after year. I have heard both sides of the case. Sri Kadidal Manjappa and Sri Gopal Gowda have given a clear picture of how small landlords and small tenants are being harassed. It shows clearly that the Government should have brought in a comprehensive legislation to achieve the objective of security of tenure and fixation of fair rent.

MR. SPEAKER.—I believe these arguments were advanced even 3 years ago.

SRI G. V. GOWDA.—Yes. That is why I said that a comprehensive legislation should have been brought in.

MR. SPEAKER.—What did Sri Kadidal Manjappa do then?

SRI G. V. GOWDA.—Even when he was the Revenue Minister the same arguments were advanced that there has no objection to bringing in a comprehensive legislation as we found it in Madras. There is the Madras Cultivating Tenants Protection Act, according to which only under one or two conditions, a tenant could be evicted and not otherwise. Unless there is a continuous default in the payment of rent, unless the court is satisfied that he has used the land for a different purpose or sub-let it, he could not be evicted. That could be simply copied and all these Acts avoided. I do not think any purpose will be served by the so-called Land Reforms Act or by the continuance of the Tenancy Law and the money spent on this piece of legislation would be a waste. We need not continue this Law. I request the Government at see that are long, a comprehensive legislation is adopted or they should see that such provisions which are not objectionable are implemented.

† SRI SANJEEVANATH AIKALA (Suratkal).—Sir, this is exactly, as the proverb goes, old wine in a new bottle, because year after year the same Act is extended by an amendment. When the Bill was first introduced in 1962 by the Hon'ble Minister Sri B. Rachaiah I said that it would not be the first amendment because the Government were not all willing to bring in a comprehensive land legislation, and that there would be a series of amendments to that Act. The Government is harsing on Supreme Court decision. What is the genesis of the Supreme

Court decision ? It was in relation to the Kerala Agrarian Reforms Act. As far as 33 villages of South Kanara District are concerned, the Supreme Court's decision was binding as they are lands under raiyatwari system.

Mr. SPEAKER.— Were they in South Kanara District ?

Sri SANJEEVANATH AIKALA.—They were part of the Kerala State at that time.

Mr. SPEAKER. - It is designated as Cannanore District in Kerala State. Kerala Legislation cannot operate in South Kanara District.

Sri SANJEEVANATH AIKALA.— But they were originally part of South Kanara District and they were under the raiyatwari system. The Supreme Court's decision was binding only to a part of the South Kanara District as well as to a part of Kollegal.

Mr. SPEAKER.—It will bind not only the parties but the reasoning will be applied to every set of facts.

Sri SANJEEVANATH AIKALA.—The Raiyathwari system is prevailing only in South Kanara District and part of Kollegal.

Mr. SPEAKER.—So, the raiyathwari system prevails in the Madras State or Districts of Madras State and wherever they are, they will be governed by this decision. It is immaterial whether it is the Madras State or at the Mysore State.

Sri SANJEEVANATH AIKALA.—Logically, my conclusion is that as far as old Mysore or Bombay Karnatak area is concerned, that decision is not binding. As argued by some Hon'ble Members of this House, the Government could have brought into force this Land Reforms Act in all these areas. Consequently there should not have been any trouble in the old Mysore State because that decision is not binding on the old Mysore State. As clearly stated by Sri Gopala Gowda and Sri Kadidal Manjappa, most of the chapters of the Land Reforms Act could have been implemented in these areas and there would not have been any objection. The Government are simply dilly-dallying with this question. As observed by the Hon'ble Members who preceded me, the Government wanted that the Land Reforms Act should not be implemented immediately because there were some vested interests which the Government wanted to placate, because the Government depended upon poor man's vote and rich man's money. I presume the Ex-Hon'ble Revenue Minister wanted this defective measure to be implemented so that certain vested interests would go to the court and put a stop to it. In that way, they will have the advantage of both vote as well as the money. That is the concern of the Ruling Party and I believe that with this motive the Land Reforms Act which would have been implemented has now been put into cold storage ; because on a simple excuse the Supreme Court gave a decision. Sir, I emphatically say that there was no necessity of bringing this amendment now. If the Governm nt had the real intention of doing good to the tenants. All the arguments have

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been advanced by the previous speakers and there is not much to be added to what has been already stated by the previous speakers, I only wish that the Government conld have taken a wise decision instead of bringing this amendment, by implementing the Land Reforms Act excluding the areas where the Supreme Court's decision is binding. With these words, I conclude my speech.

SRI V. S. PATIL.—So far as this Bill, is concerned, our part is governed by the definition of clause 2 and here the only wording that is changed is, for the words and figures 'thirty-first day of March 1964' the words and figures 'Thirty-first day of March 1965, instead of 1964 we are by this Bill changing it to 1965. So far as the suspension of our Bombay Tenancy Act is concerned or the relevant provisions of that Act are concerned, these suspensions have gone materially very deep. They are very deep-rooted and in the neighbouring areas of our part in Maharashtra, thousands of tenants have already become owners and they have paid the price; there is no question of landlord and tenants existing in the neighbouring area in which the Maharashtra Act is applicable. But, our tenants in the adjoining villages within this state are still tenants. According to the definition of landlords in the Act that is to be implemented, I think, Sir, all the tenants will have to be evicted. I do not think that the Government has thought of the difficulty of rehabilitating all these vast number of tenants who will be evicted if the Mysore Land Reforms Act comes into force. Thousands of tenants will have to be evicted and they will have to serve the landlords under a different capacity, not as tenants, but as servants So, as far the condition of the tenants when that Act comes into force, especially in our four districts, there will be a very very great change in their rights. As already admitted by the Hon'ble Minister for Revenue, there will be no surplus land remaining, and for that, they have delayed the implementation of the Bombay Act. That was the reason why our friends from North Karnatak were agitating in the Bombay Assembly and saying that they should be taken out of the Bombay State and thrown somewhere else where they could oust the tenants. That was their ambition and that has now been fulfilled. At least, let Government come forward with this retrograde measure and end this period of suspension period. This period of suspension is terrible. It is practically crushing or eliminating this class of tenants. They will be now servants of the landlords. And the other dire thing is, that by increasing the ceiling on various kinds of lands, Government have given a free hand to the landlords to get again benefits on account of the labour of others. It is a very bad thing they have done. If the Government really feels and if it is really a true follower of Socialism, it must amend the Act and bring down the ceiling to a reasonable limit. Otherwise, it will merely crush those who are actually labouring in the fields, and benefit those who are merely taking advantage of others. I have served on the Committee of Land Reforms Bill. I know the

provisions. I have fought with the then Hon'ble Minister Sri Kadidal Manjappa for about 100 days during the meetings of that Select Committee. I have opposed him on several occasions. I submit that the provisions there crush down the actual cultivators. The Act that has been passed by the legislature will give vast power to the land holders. A higher ceiling area has been fixed in that Act. I do not think that this measure will serve the purpose of increasing food production or agricultural production. Before implementing the Act, I should like to request the Government to think over in the light of their recent decision regarding Socialism, and see that thousands of labourers and thousands of agriculturists are not thrown to the wind. They should find a way to amend the present Act before it is brought into force. Even though they may take a few months more, it does not matter much. Doing justice to the actual tenant should be before the eyes of Government. Otherwise, the landlords and the Congress party will crush the people of our nation and the whole nation will have to suffer.

† Sri M. V. KRISHNAPPA.—I think all the Hon'ble Members have supported this measure. To the criticism levelled, I have already replied when I was speaking on the previous measure and I have nothing more to add. Sri G. V. Gowda raised some pertinent objections, and to those points also, I have already replied Our aim is to see that the protection given to the tenants in the State is continued.

Mr. SPEAKER.—I will put it to the vote of the House. The question is :

"That the Mysore Tenancy Laws (Amendment) Bill, 1964, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—There are no amendments. So, I will put the Bill clause by clause to the vote of the House. The question is :

"That clauses 2 to 5, both inclusive, stand part of the Bill."

The motion was adopted

Clauses 2 to 5, both inclusive, were added to the Bill.

Mr. SPEAKER.—The question is :

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. V. KRISHNAPPA.—Sir, I beg to move :

"That the Mysore Tenancy Laws (Amendment) Bill, 1964, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Tenancy Laws (Amendment) Bill, 1964, be passed."

The motion was adopted.

CHAIR'S RULING ON POINT OF ORDER

Re: **Postponement of discussion on Motion of Thanks.**

Mr. SPEAKER.—I will now give the ruling on the point of order raised by the Hon'ble Member Sri Anna Rao. He is not present. I have understood his difficulty. The point of order was raised by Hon'ble Sri Anna Rao, who referred to Rule 21 of the Rules of Procedure that the discussion on the Address might be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day, to be appointed by the Speaker and the Speaker shall forthwith put the question, no amendment or debate being allowed. There is a slight fallacy in his reasoning. Today has not been fixed as the day for discussion on the Address. If today had been fixed for discussion on the Motion of Thanks, then it would have become necessary, and the operation of this rule would arise only when it is set down in the agenda. Hon'ble Members would have seen from the Circular and the Agenda supplied to them that the Business set down for today is the Consideration of Second Bills. It was done in full accordance with rules and conventions.

5-30 P.M.

The convention is that on the day on which the Governor addresses the Legislature, the Address is not taken up for debate. It has to be reported. Nor is it taken up immediately on the succeeding day, because convention arose on account of a right on the part of the House of Commons to assert that they have a right to bring a Bill. So, the debate has always taken place on a day fixed by the Speaker. This is clear from the Constitution as well as the earlier portion of Rule 2 (1) which says—"notwithstanding that a day has been allotted for discussion on the Governor's Address". So, a day has to be allotted; under the Constitution also, it is seen that a day has to be fixed. So, till a day is fixed for the dabate on the Governor's Address no question of suspension of rules arises. Therefore, I must say that the Hon'ble Member is not right in raising this point of order. Therefore, it is not upheld.

The House will now adjourn to meet again tomorrow at 12-30 P.M.

The House adjourned at Thirty-five Minutes past Five of the Clock to meet again at Thirty Minutes past Twelve of the Clock on Friday, the 28th February 1964.

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